

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

JOSEPH JAIME and RITA JAIME,

Plaintiffs,

CASE NO:11-10302

v.

DISTRICT JUDGE THOMAS L. LUDINGTON  
MAGISTRATE JUDGE CHARLES BINDER

WELLS FARGO HOME MORTGAGE,  
INC., and US BANK NATIONAL ASSOC.,  
as Trustee for the Structured Asset  
Investment Loan Trust, 2006-BNC2,

Defendants.

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**MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
ON DEFENDANTS' MOTION TO DISMISS**

**I. REPORT**

Pending, pursuant to an Order of Reference, a hearing was held on the above-entitled motion March 16, 2011. Both counsel confirmed on the record that the terms of a proposed Stipulation earlier forwarded to chambers effectively disposed of the issues raised in this motion, effectively rendering this motion moot.

**II. RECOMMENDATION**

Accordingly, **IT IS RECOMMENDED** that the Defendant's Motion to Dismiss (Doc. 2) be **DENIED WITHOUT PREJUDICE** as **MOOT**.

**III. REVIEW**

The parties to this action may object to and seek review of this Report and Recommendation within ten (10) days of service of a copy hereof as provided for in 28 U.S.C.

§ 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed.2d 435 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *McClanahan v. Comm'r of Social Security*, 474 F.3d 830, 837 (6th Cir. 2006); *Frontier Ins. Co.*, 454 F.3d at 596-97. Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

s/ Charles E Binder

CHARLES E. BINDER  
United States Magistrate Judge

Dated: March 17, 2011

**CERTIFICATION**

I hereby certify that this Report and Recommendation was electronically filed this date, and electronically served on Matthew Boettcher, Patrick Lannen and Sharon Withers.

Dated: March 17, 2011

By s/ Jean L. Broucek  
Jean L. Broucek, Case Manager to  
Magistrate Judge Binder